IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

Crl.MC.No. 740 of 2007()

PETITIONER: ACCUSED

RAMADEVI, AGED 35 YEARS,
W/O G.RAMASWAMI, C-3, THULASI FLAT,
NEAR N.G.O QUARTERS, THRIKKAKARA.

BY ADV. SRI.A.T.ANILKUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING THE SUPERINTENDENT OF POLICE
VIGILANCE AND ANTI-CORRUPTION BUREAU SPECIAL CELL,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 740 OF 2007

Dated this the 5th day of June, 2007

ORDER

The petitioner is the sister-in-law of an accused officer who faces allegations that he has acquired wealth disproportionate to his known sources of income. Certain gold ornaments were seen pledged and the receipts for such pledging were found available in the possession of the accused officer – in the possession of his wife. The pledged receipts have been seized, directions have been issued to freeze the ornaments and not to release the same to any one. Aggrieved by this, the petitioner has come to this Court for a direction to ensure the release of the pledged ornaments to her. She contends that she runs a business along with her sister – wife of the accused officer. According to her, pledge was made by her and not by her sister or brother-in-law. The pledged receipts happened to be seized when they were found available

in the premises of a business jointly carried on by her and her sister. In these circumstances, the ornaments may be directed to be returned to the petitioner, it is prayed.

2. The application is opposed stoutly by the learned Public Prosecutor. The learned Public Prosecutor submits that the available indications convincingly point to the fact that the ornaments in question did not really belong to the accused officer though records were created to show that they were pledged in the name of the petitioner. Investigation is in progress. There are convincing indications to suggest that the property in question does not belong to the petitioner; but belongs to her brother-in-law – the accused officer. At any rate, it would be premature at this stage to come to any definite conclusion. Prosecution may be given time to complete the investigation and take a stand finally on the question. It would be imprudent and inexpedient to release the articles to the petitioner now assuming that she is the owner of the articles and that the pledged receipts happened to be available with the accused/his wife in the circumstances explained by the petitioner. The learned Public Prosecutor further points out that there has been feverish attempt on the part of the accused

officer and his spouse to dispose of the properties in order to make them unavailable for attachment later on in the course of the proceedings.

3. Having rendered my very anxious consideration to all the relevant inputs, I am of opinion that it will be premature and inexpedient for the court at this Stage and with the present materials available to come to a conclusion that the costly articles in question belong exclusively to the petitioner. I do not find any such compelling necessity to direct immediate release of the articles seized. The police do deserve further time to complete the investigation.

4. In the result, this petition is dismissed. I may hasten to observe that after the final report is made, the petitioner, if necessary, can move the courts again for release of the articles.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge